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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**DALLAS BUYERS CLUB, LLC,**

Plaintiff,

v.

**ANONYMOUS USERS OF  
POPCORN TIME, et al.,**

Defendants.

Case No.: 3:15-cv-01779-AC

SECOND STATUS REPORT

Pursuant to the order Nov. 4, 2015, (Dkt. 9) plaintiff submits this second status report to apprise the court of the status of this action.

Plaintiff filed its initial complaint against ten (10) joined doe defendants on September 20, 2015. Leave for discovery was granted on September 22 together with direction to file a first amended complaint. Dkt. 6. A first amended complaint (Dkt. 7) was then promptly filed and a subpoena issued to ISP Comcast for the identity of the subscribers assigned the IP addresses used by the defendants. Comcast requested an extension of time to respond, which plaintiff allowed.

In this case of the initial eleven (10) Doe defendants, ISP Comcast was able to identify nine (9) individuals with sufficient specificity to permit further investigation. Without sufficient

specificity to proceed, plaintiff dismissed Does No. 5. Of the remaining nine (9) defendants plaintiff has successfully identified and resolved its claims against Does No. 3 and 9 without the need for compelled discovery. Doe No. 7 has been identified however the parties have been unable to reach any terms for settlement.

Six (6) of the subscribers have refused to respond to plaintiff's letters and plaintiff is without means to obtain voluntary cooperation with its investigation to identify whom may have used their Internet Service to infringe plaintiff's rights. Independent investigations of the identified the subscribers does not permit plaintiff to identify a specific party that is likely to be the infringer.

On December 7, 2015, plaintiff moved for leave to subpoena the remaining subscribers to continue plaintiff's investigation. On December 8, plaintiff was granted leave to issue FRCP 45 subpoenas to subscriber non-parties identified as responsible for the respective IP addresses used by Doe defendants 1,2,4,6,8 and 10.

Further Information:

Doe #01: Plaintiff has been contacted by the subscriber associated with Doe 1, who claims to have several roommates and has agreed to ask among his roommates to see if his FRCP 45 deposition may be avoided, though the roommates have not yet been identified.

Doe #02: The initial letters to the subscriber for Doe 2 have been returned and a new address has been ascertained. Letters are again being dispatched to Doe 2 in an attempt to confer before service with a subpoena.

Doe Nos. 04, 06, 08: FRCP 45 subpoenas have not yet been served on the subscribers associated with Does Nos. 4, 6 and 8. With the holiday schedule such service is not expected until after December 28.

Doe #10: Plaintiff has been contacted by an attorney who claims to be the wife of the subscriber associated with Doe #10, and states they will be obtaining additional counsel to schedule their FRCP 45 deposition. They have requested a deposition date for January 2016 to be determined on engagement of additional counsel.

Other than as outlined above, plaintiff's counsel does not have any record of any other subscriber or defendant affiliated with this case contacting plaintiff's counsel, though it is possible other parties who refused to identify themselves have made contact.

Plaintiff intends to file a third report on the conclusion of the FRCP 45 depositions, on or about January 20 as may be needed to address the current case schedule deadlines, and will at that time further apprise the court and request any needed extensions to the current case schedule.

DATED: December 21, 2015.

Respectfully submitted,

CROWELL LAW

/s/ Carl D. Crowell

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